

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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| CHRISTOPHER DAVIS, | : | CIVIL ACTION |
| Plaintiff, | : | |
| | : | |
| vs. | : | NO. 09-0739 |
| | : | |
| STEPHEN B. MALITZKI, JR., | : | |
| <i>Individually and in his Official</i> | : | |
| <i>Capacity as a Detective in the</i> | : | |
| <i>Bethlehem Township Police</i> | : | |
| <i>Department, BETHLEHEM TOWNSHIP</i> | : | |
| and JOHN DOES 1-10, | : | |
| Defendants. | : | |
| | : | |

ORDER

AND NOW, this 16th day of March, 2010, upon
consideration of the Motion for Summary Judgment and the Response
thereto, and for the reasons outlined in the accompanying
Memorandum, IT IS HEREBY ORDERED that the Motion is GRANTED in part
and DENIED in part.

IT IS ORDERED that the Motion is GRANTED as to Counts
III, IV and V of Plaintiff's Third Amended Complaint and as to
Defendants Bethlehem Township and John Does 1 through 10 and
Defendant Stephen B. Malitzky, Jr. in his *official* capacity.

IT IS ORDERED that the Motion is DENIED as to Counts I
(Malicious Prosecution) and II (Selective Prosecution) of
Plaintiff's Third Amended Complaint.

BY THE COURT:

/s/ Henry S. Perkin
HENRY S. PERKIN,
United States Magistrate Judge